



PLANNING COMMISSION STAFF REPORT JANUARY 28, 2010

Project:	DUMBARTON QUARRY RECLAMATION PLAN (PLN2006-00159)
Proposal:	To consider amending Conditional Use Permit (CUP) U-66-53 clarifying implementation dates for the final reclamation plan and reclamation activities, and final acceptance of the previously approved Reclamation Plan.
Recommendation:	Approve, based on findings and subject to conditions
Location:	9600 Quarry Road in the Northern Plain planning area. APN 537-0851-002-02 (See aerial photo next page)
Area:	91-acre lot
People:	Dumbarton Quarry Associates, Applicant & Owner Bob McCarrick, Agent of Applicant Scott Ruhland, Staff Planner (510) 494-4453; sruhland@fremont.gov
Environmental Review:	EIR 76-6 and a 1997 Addendum to the EIR have been previously approved for this project in accordance with the requirements of the California Environmental Quality Act (CEQA)
General Plan:	Institutional Open Space
Zoning:	Planned District, Quarry Combining P-81-12(Q), and partially Flood Combining District P-81-12(Q)(F)

EXECUTIVE SUMMARY:

Dumbarton Quarry has ceased quarry operations and is beginning the process for reclaiming the site for future open space use. The Quarry is required, by Conditional Use Permit (CUP) and agreement with East Bay Regional Park District, to reclaim the site for use by the EBRPD as a regional park. The overall reclamation process to convert the site for transfer to the EBRPD includes three steps: 1) Reclamation as outlined in the Reclamation Plan; 2) Infrastructure and hydrologic improvements to fill the quarry pit with water; and 3) Park development. The first step is the only item under consideration at this time.

The purpose of the item before the Planning Commission is: Acceptance of the final reclamation plan; and, an amendment to CUP U-66-53 clarifying implementation dates for reclamation activities

The preliminary Reclamation Plan for Dumbarton Quarry was approved by City Council on March 25, 1997. The conditions of approval stipulate a variety of activities for pre and post-reclamation. However, the conditions of approval do not stipulate dates for completion of these activities. The intent of the amendment to the CUP is to clarify key dates for implementation of the final reclamation plan. The conditions also stipulate that the City Engineer has final approval authority for acceptance of the final reclamation plan. The City Engineer, in the interest of full public disclosure, has chosen to refer acceptance of the final reclamation plan to the Planning Commission.



Figure 1: Aerial Photo (2006) of Project Site and Surrounding Area.

SURROUNDING LAND USES: North: Open Space (Coyote Hills Regional Park)
South: Open Space (SF Bay Wildlife Refuge)
East: Vacant
West: San Francisco Bay



BACKGROUND AND PREVIOUS ACTIONS:

The project site consists of approximately 91 acres owned by Dumbarton Quarry Associates located at 9600 Quarry Road, adjacent to Coyote Hills Regional Park to the north and Route 84 to the south. The site was operated for 40 years as a crushed rock aggregate quarry. A Conditional Use Permit amendment and rezoning was approved on July 22, 1977 by the City Council for expansion of the operations, construction of the asphalt concrete plant, and a preliminary rehabilitation plan (Z-76-11, U-66-53 Amendment and EIR-76-6).

On September 22, 1981, the City Council approved Planned District, P-81-12, rezoning the site from Agriculture, Hillside Combining, Quarry Combining A(H-I)(Q) and General Industrial, Hillside Combining, Quarry Combining G-I(H-I)(Q) to Planned District, Quarry Combining P(Q) to accommodate the quarry and industrial uses within the existing Institutional Open Space General Plan designation. On December 11, 1986, the Planning Commission approved a minor amendment to the CUP adding a 200 ton insulated silo adjacent to three existing silos used in the asphalt concrete operation.

On March 25, 1997, the City Council approved a time extension of ten years (to July 1, 2007) for quarrying operations and additional excavation of the quarry area to a depth of approximately 300 feet below Mean Sea Level (MSL). The CUP extension also included final rehabilitation to allow future reuse of the site by the East Bay Regional Park District including improvement of the site in accordance with the plans developed by the District, and deeding of the property to the District for inclusion in Coyote Hills Regional Park. A Conditional Use Permit Amendment, U-66-53E, a Major Planned District Amendment, P-81-12A, and an Addendum to EIR 76-6 were approved for the time extension and the final quarry rehabilitation plan with preliminary grading.

On June 29, 2006, the Planning Commission conditionally approved a Preliminary Grading Plan to allow the start of grading activities necessary to stabilize a natural slope.

Quarry operations ceased in July 2007. Current activity on site is limited to equipment removal and grading the site in the conformance with the approved grading permit. The last annual inspection conducted by the City was in November 2009.

PROJECT DESCRIPTION:

Dumbarton Quarry has ceased quarry operations and is beginning the process of reclaiming the site for future open space use. Through the CUP and an agreement with East Bay Regional Park District, the Quarry operator is required to reclaim the site for future use as a regional park. The reclamation activities approved by this plan include all equipment removal, grading and drainage improvements, erosion control, hydro-seeding and safety measures. The process of converting the site from a former quarry to a regional park includes three steps. The steps include:

- 1) Initial reclamation as outlined in the October 2009 Reclamation Plan which includes all equipment removal, grading and drainage improvements, hydro-seeding, erosion control and installation of safety measures to secure the site.

- 2) Infrastructure and hydrologic improvements for the conveyance of water to fill the quarry pit for use as a future lake. The source of water for the quarry pit will be from stormwater runoff. It is anticipated to take 5-7 years to fill the quarry with water dependent on rainfall totals.
- 3) Park development which will include various site improvements to develop the site into a regional park. These improvements will include access, circulation, parking, trails and landscaping and construction of any structures, such as restrooms, park kiosk, picnic shelters and any other pertinent facilities needed by the Park District. It is anticipated that the process for park development will commence sometime during the quarry pit being filled with water.

Acceptance of Final Reclamation Plan

The project requires approval and acceptance of the October 2009 final reclamation plan by the City Engineer. The City Engineer, in the interest of full public disclosure, has chosen to refer acceptance of the final reclamation plan to the Planning Commission. This includes final details of grading and use as described in Exhibit "A".

Purpose of Use Permit Amendment

The conditions of approval for the reclamation plan stipulate various actions to be completed pre- and post-reclamation however those activities lack dates for completion. The purpose of the amendment to the CUP is to clarify the conditions of approval to include dates for implementation activities.

The following new conditions are proposed for CUP U-66-53:

- 41) All reclamation activities included in the October 2009 Final Reclamation Plan, with the exception of filling the quarry pit with water and park construction, shall be completed by January 28, 2011. If additional time is needed, the applicant shall make a written request to the Planning Division by December 1st, 2010 and the request shall be processed as an amendment to the Use Permit.
- 42) All necessary improvement and grading plans and any accompanying studies and reports to install infrastructure and hydrologic improvements to fill the quarry pit with water shall be submitted to the Planning Division as a Preliminary Grading Plan and Environmental Impact Assessment by July 28, 2010.
- 43) All necessary park development plans shall be submitted to the City of Fremont upon completion and operation of the water conveyance facility to fill the pit with water.
- 44) Construction of the park facility shall commence during the time the quarry pit is being filled with water and shall be completed before or within six months after the quarry pit has filled with water. Dumbarton Quarry Associates shall submit a schedule for completion of improvements to the Planning Division.
- 45) Dumbarton Quarry Associates shall modify their agreement with East Bay Regional Park District in regards to timing for deeding the property and the amount of the performance bond to complete the park improvements.

PROJECT ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Institutional Open Space. The proposed project is consistent with the existing General Plan land use designation for the project site because the proposed future use of a regional park is allowed within this designation. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

Land Use Policy 4.1: Institutional open space is publicly held land permanently committed to open space uses.

Analysis: The project is consistent with this policy because the long term use of the land is open space as a regional park.

Land Use Policy 4.3: Development on land designated Institutional Open Space is limited to compatible recreational and community uses.

Analysis: The project is consistent with this policy because the site is proposed to be reclaimed as a regional park with low-scale development consisting of picnic areas, trails, restrooms, landscaping, and site access and circulation improvements.

Zoning Regulations:

As set forth in Section 8-21810 of the Fremont Municipal Code (FMC), reclamation activities are allowed in the existing Planned District, P-81-12, district subject to the approved reclamation plan and conditions of approval contained therein.

Applicable Fees:

This project will not be subject to Citywide Development Impact Fees at this time.

Environmental Review:

This project is not subject to additional environmental review at this time. An EIR was prepared for the reclamation plan in 1976 and includes all activities proposed for this project. An addendum to the EIR was prepared in 1997 and did not find any new environmental impacts. Future phases of implementation of the reclamation plan will be subject to subsequent environmental review.

PUBLIC NOTICE AND COMMENT:

Public hearing notification is applicable. A total of 14 notices were mailed to owners and occupants of property within 1,000 feet of the site. The notices to owners and occupants were mailed on January 15, 2010. A Public Hearing Notice was published by *The Tri-City Voice* on January 13, 2010.

ENCLOSURES:

Exhibits:

- Exhibit "A" [Approved Reclamation Plan and Conditions for Closure, October 2009](#)
Exhibit "B" [Findings and New Conditions of Approval](#)

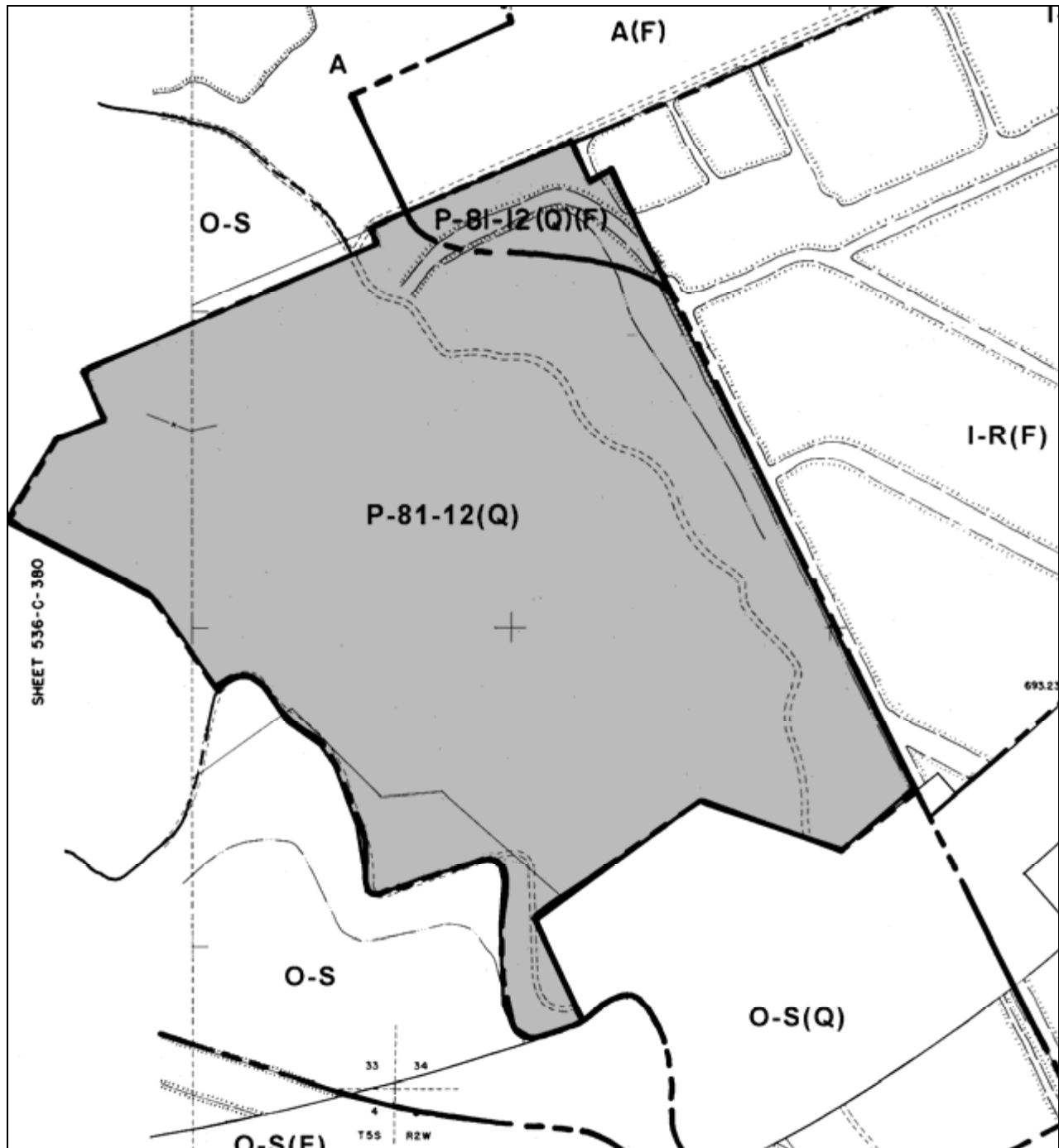
Informational Items:

- Informational 1 [Original Conditions of Approval](#)
Informational 2 [Approved 1997 Reclamation Plan](#)
Informational 3 [Park Development Concept Plan](#)
Informational 4 [1997 Addendum to EIR 76-6](#)

RECOMMENDATION:

1. Hold public hearing
2. Find that EIR 76-6 and the 1997 Addendum to EIR 76-6 adequately address environmental impacts under the California Environmental Quality Act (CEQA).
3. Find the Reclamation Plan and modification to CUP U-66-53 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
4. Accept the Final Reclamation Plan and approve modification to CUP U-66-53 as shown in Exhibit "A", and based on the Findings and Conditions of Approval in Exhibit "B".

Shaded Area represents the Project Site



Existing General Plan

